IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27724 of 2006(A)

PETITIONER:

N.B.HARIDAS, S/O.N.BHASKARAN,
(SHELL DUST INDUSTRIES), INDUSTRIAL ESTATE,
PUDUPARIYARAM), REP. BY HIS P/A. HOLDER
V.S.NARAYANAN, S/O.LATE V.KRISHNAN NAIR,
KRISHNA VIHAR, INDUSTRIAL ESTATE, PUDUPARIYARAM,
OLAVAKKODE, PALAKKAD.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. THE TAHSILDAR,
REVENUE RECOVERY, PALAKKAD.

2. THE EXECUTIVE ENGINEER ELECTRICAL
DIVISION,
OLAVAKKODE, PALAKKAD.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL DIVISION,
OLAVAKKODE, PALAKKAD.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB
GOVERNMENT PLEADER N. SUDHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).27724/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE PROVISIONAL REGISTRATION ISSUED BY THE DISTRICT INDUSTRY CENTRE, PALAKKAD

EXT.P2- TRUE COPY OF THE CHEQUE DATED 30.8.2003 ISSUED BY THE PETITIONER TO THE ASSISTANT ENGINEER, KSEB, ELECTRICAL SECTION, OLAVAKKODE

EXT.P3- TRUE COPY OF THE DEMAND NOTICE DATED 7.8.2006 ISSUED BY THE 1ST RESPONDENT

EXT.P4- TRUE COPY OF THE REPRESENTATION DATED 3.10.2006 SUBMITTED BY THE PETITIONER TO THE RESPONDENTS

EXT.P5- TRUE COPY OF THE AUCTION NOTICE DATED 20.9.06 ISSUED BYTHE 1ST RESPONDENT

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C).27724/2006

Dated this 24th day of September, 2007

JUDGMENT

The petitioner challenges Ext.P3 demand and Ext.P5 Auction notices. He was liable to pay minimum guarantee charges. The contention raised is that he had filed Ext.P4 representation, seeking a reduction in power allocation. That obviously would not reduce the balance arrears of minimum guarantee amount, which was demanded as per Ext.P3. It is submitted that the petitioner has remitted an amount of Rs.85,000/- following the interim order dated 20.10.2006. Under such circumstances, this writ petition is disposed of, directing that the main distress against will be reversed if the petitioner remits at the rate of Rs.20,000/- per month and wipes off the balance outstanding. The Board will also reduce its demand towards the penal interest to be trimmed down to the rates applicable as of now. If there is any default in making any of the remittances as directed above, the benefit of this judgment shall stand recalled automatically.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE

mrcs